

ASSEMBLY BILL

No. 1318

Introduced by Assembly Member Davis

February 18, 2011

An act to add Section 3333.6 to the Civil Code, relating to civil damages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1318, as introduced, Davis. Civil damages.

Existing law provides that for the breach of an obligation arising from contract, the measure of damages is the amount which will compensate the party aggrieved for all the detriment proximately caused thereby, or which, in the ordinary course of things, would be likely to result therefrom, except as specified. Existing law provides that the measure of damages for a breach of an obligation not arising from contract is the amount that will compensate for all the detriment proximately caused.

This bill would prohibit a person, in any action to recover damages due to an unlawful strike, from recovering damages resulting from revenue losses caused by the strike or damages resulting from expenses incurred by the employer in anticipation of, or in preparation for, the strike. The bill would define “unlawful strike” as any strike that has been determined unlawful by a court or the Public Employment Relations Board.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3333.6 is added to the Civil Code, to
2 read:
3 3333.6. (a) In any action to recover damages due to an
4 unlawful strike, a person shall not recover either of the following:
5 (1) Damages resulting from revenue losses caused by the strike.
6 (2) Damages resulting from expenses incurred by the employer
7 in anticipation of, or in preparation for, the strike.
8 (b) For the purposes of this section, “unlawful strike” means
9 any strike that has been determined unlawful by a court or the
10 Public Employment Relations Board.